

1914-15
[Courts]

File no-218-14

S.L. no. 1 to 9, . . .

Pay and Status of public

Prosecutors.

G. R. S. IX-5]

Previous references.

cb-179-13512)

1914-15-

(Courts) ✓

File No. 218-14

Serial Nos. 1 to 7

Later references.

cb-64-17(i)

Preserve
for
5/7/26

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 7

Part B for March 1918.

SUBJECT.

Pay and Status of
Public Prosecutors.

Orders have been issued

in G.O. No. 1877-90 of 1-12-17
cb-64-17-1

Mr. Abdul Rahman
-30-3-1918

(1)

GENERAL AND REVENUE SECRETARIAT.

(Caus)

NOTES.

File No. 2480/1914

FILE HEADING.

Pay and status of Public Prosecutors

From

Mr S. Ramanna, Public Prosecutor, Bangalore
div

No.

Dated 13.1.1915

Received 13/15 . 1.1915

Diary No.

J2239

Enclos.

Spare Copies.

Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that the present pay of Rs 150/- attached to the office of Public Prosecutor is by no means attractive to a practitioner who has any decent practice, that the nature of the work is such that it must inevitably tell on the private work of the practitioner and requests that the subject may be placed before Govt for consideration.

NOTES AND ORDERS.

1. Secd with the files relating to the appointment of Mr S. Ramanna as Public Prosecutor. The file relating to the increase of the Govt Advocate's pay has been put with the just cause resolution on the subject.

115.116

1914-15

NOTES—First Sheet.

P. P. O.

Serial
No.

25. That the pay of the Public Prosecutors be fixed at Rs. 250 a month and that they be given the status of Assistant Commissioners, or that the remuneration of Public Prosecutors be fixed as follows:--

Rs. 50 retainer per month,

Rs. 15 to 25 per day for each case conducted in Sessions Courts.

In appeals, revision and other miscellaneous cases, fees to be Rs. 15 to 25 in each case.

W.O. of 63-14

2) Forwarded in official to the Registrar Chief Court, for favour of obtaining the opinion of the Judges of the Chief Court on the above resolution of the Judicial Conference of 1914.

By order

Bruniwan

19th Jan 1915.

For CHS: Secy to Govt

OPINION OF THE JUDGES OF THE CHIEF COURT.

3) The Judges have obtained the opinions of Sessions Judges and certain past and present Public Prosecutors.

4) 2. A considerable majority of those consulted prefer the salary system of remuneration at present obtaining, to the fee system suggested by the Conference, and the Judges

are not prepared to recommend the adoption of the latter system at any rate at present.

II 5) 3. All the Sessions Judges consider that the salary should be raised, and all the Public Prosecutors consulted past and present are, perhaps not unnaturally, of the same opinion. The Sessions Judges of Bangalore and Shimoga advocate a salary of Rs 250 and the former would augment that by annual increments. The Sessions Judge of Mysore thinks that a salary of Rs 200 - should be sufficiently attractive, and this salary is suggested also by the Public Prosecutor of Bangalore Mr. S. Ranganna, and by the Government Advocate Mr. C. S. Doraiswami Iyer. The Judges are inclined to think that this salary should be sufficient for the present, with travelling allowances at the rates given to Munsiffs drawing the same pay.

Rs 200
p m
6) 4. From the point of view of ^{the} Government one principal question must be whether an increase in the remuneration will enable them to secure the services of better officers than they can get at present. The Sessions Judges, though all recommend increased salaries, do not say that the present Public Prosecutors are not the best available practitioners, or that they fall in capacity, industry, independence, or integrity, below other members of the bar. The Government will doubtless know better than the Judges of the Chief Court whether they have found any difficulty hitherto in enlisting the services of the practitioners whom they consider the most eligible men available.

7) 5. This is not however the only question. There seems to be discontent among Public Prosecutors with the present emolument, and the Government doubtless do not desire their servants to be discontented. The Public Prosecutor is an officer on whom the District Magistrates and the Sessions Judges should be able to place full reliance in the important matter of the administration of criminal justice; he should be a man of good standing, commanding the respect of his fellow practitioners; he has to give

advice.

advice to the District Magistrate on legal questions, and he is responsible for conducting cases which may be of great public importance; his reward should be commensurate with his position and responsibilities.

8) 6. And no doubt the necessity of following the ~~following~~ Sessions Judge in circuit to different districts renders it difficult for him to arrange for the regular conduct of his client's civil cases in courts other than the District Court, and so may to some extent cause a falling off in his private practice.

9) Having regard to all these considerations the Judges are of opinion that it would not be unreasonable to sanction the arrangement suggested in paragraph 3 above.

CHIEF COURT OF MYSORE,
Bangalore, 14th June 1915.

U. S. Srinivasan

REGISTRAR.

Al

Serial
No.

10) The opinion of the chief clerk is that the pay should be raised from Rs 150 to Rs 200. This seems very reasonable, and if approved, draft sanctioning note to be put up after consulting the Financial Branch also.

16/6/15

First Member

11) Consult Br. II.

12) I think this course is ~~very~~ necessary ~~after~~ especially after the increase of Govt Advocate's pay.

13) The file may be circulated as a Council case.

26/6/15

14) To be considered at a meeting if the Dewan approves.
(Dewan)

Dewan of Rao
29/6

Yes-

C.S.
or Dewan

16/7
16/7

14/7/15

15) Forwarded to the Fin. Sec. for favour of opinion before circulation.

Dewan of Rao
17/7
17/7

Serial
No.

Sub. (16)

20.7.15

Para 4 of the opinion of
the Chief Court Judges
is significant. There has been
no difficulty in securing the
services of competent practitioners
for the pay now given. On the
other hand there seems to be keen
competition for these places if one is
to judge from the number of
applications received when the place in
Bangalore had to be filled up in
1911. There is therefore no reason to
incure unnecessary expenditure by
raising their pay as proposed.

Resd)

12-825

(17)

A. I quite agree.

Br III)

M

23/8

Subd.

26/8/15

26/8

Sunday

(18) The question may
be considered at a
meeting.

C. S. in D. No.

27/8

9.9.15

Read from First Member
6/9/15

NOTE—Contn. sheet.

7/9

GPB-25,000-22-3-16

31/8/15

1077

(5)

G. R. S. 12]

General and Revenue
Secretariat.File No. 218
~~106~~4-15
of 1915-16Serial
No.
5From the Dist. Mgt. Chitalmyst-
no 186 of 11. 10. 1915

Forward copy of a d.o. letter with a
copy of its envelope recd from the Public Prosecutor,
Shuniga Divn., in the matter of the law that
he will be put to if he is prohibited from
taking up criminal appeals altogether
and forward also a copy of the opinion
furnished by the Public Prosecutor regard-
ing the raising of pay & status of Public
Prosecutors.

(19) The file about the question of ap-
pearance of Public Prosecutors before the
Sessions Court for the support of convictions
by the Magistrate (cto 106-15) was sent to
the First Member on 8-9-15.

(20) The question of increasing the
pay of the Public Prosecutors is before
the Council, the file having been sent to
the Council Section on 27-8-15.

Subd. Mndas.

by

12/10/15

ck

13/10/15

(21) This may be sent also to
the Council Section

Subd

13/10/15

Subd

G. R. S.

✓ 19

**Extract from the Proceedings of the 364th Meeting
of the Council of His Highness the Maharaja,
held at Bangalore on the 11th November 19 15.**

10 SUBJECT.† (Clause V of the Schedule).

**Question of enhancing the status and emoluments of --
Public Prosecutors.**

OPINION OF THE COUNCIL.

21) The question may be taken up after a year.

Sd/- H. Visvesvaraya,
Dewan of Mysore.

"EXTRACT"

D. M. Narayana Rao 13/11

Secretary to Government,
General Department.

Serial
No.

3) Submitted with the extract from
the Council Proceedings

13/11/15

34)

During this month.

13/11

3

From the Dist. Magt, Panau Dist

No 186 of 30. 11. 15

Forwards copy of a letter from the Public Prosecutor
Mysore Division, representing that his ^{present} pay is
inadequate and that an establishment con-
sisting of a clerk and a peon is absolutely
necessary in his office

25) The Public Prosecutor of Shimoga has
also, in his letter to the Secy. Genl, mentioned
the need for a clerk and a peon in his office.

26) It is a matter for consideration if
~~this~~ ^{may} this question be taken up ^{also} after
with that after the question of enhancing the status
& emoluments of Public Prosecutors or be
deferred till rules are passed on the latter.

18. 11. 15

27. This may be deferred

after orders are passed on the question
of salary

Es. 27/11

General and Revenue
Secretariat.

File No. 218 of 1914

Serial
No.
4.

From the D. M. Mysore. no 65389-5-1914.

Forwards copy of a letter from the
Public Prosecutor, Mysore D. M.;

Requestion sanction to a small
establishment of one clerk & one
peon being attached to his office

28) The same representation has been
received through Mr. S. H. Hassan. (

Please vide Sl. 3 & its enclosure). Sd/-

The question may be deferred for the

present as per para 27.

15/5/16
Sd/-

29) The information

Leena Nether)

Mys
15/5/16

30) Leena - 11/6/16

Mys
17/5

5. From the Public Prosecutor, Mysore D. M.,
no 288 of 8.6.16.

Brings to notice the hardship & incon-
venience felt in respect of the inadequacy
of his pay & the want of a clerical & menial
establishment to his office -

31) This is the same representation for made
through the D. M. Hassan and Kadur (Sl. 3 & 4 Supp)

Sd/-
11.6.16

8675
3129

(12)

G. R. S. 12]

General and Revenue
Secretariat.

cf File No. 218 of 1914-15

Serial
No.

32) As the question has already been considered by the Council, and they have resolved that the question ^{it} may be taken up after a year, this will be submitted, if approved, in October.

Es
26/6

Second member)

33) *[Signature]*

Es
26/6

Es
26/6

1118
24.6.16
B
26/6

6

From the D. M. Bangalore C-1941 Secy of 16.9.16

Forwards copy of a letter from the Public Prosecutor, Bangalore on, requesting that he may be allowed, for reasons given, a clerk, two peons, and accommodation for his office & states recommends the matter for the favourable consideration of Govt.

34) May this be sent next month after the Dassanra is over?

B
28/9/16
NCC

Es

20/9

35) Used for order.

B
28.10.16

36) Please print the rules in force in

regarding the remuneration of the Govt. Head of Public Prosecution.

Es
28/10

Es
28/10

G. R. S. III-2]

General and Revenue
Secretariat.

Cl's File No. 218

of 1914.

Serial
No.

37/ Information regarding the duties and remuneration of Govt Pleaders and Public Prosecutors in Madras is furnished as per oral instructions please see file T.

The proposals herein requiring consideration and orders are :-

(1) Increase of pay of Public Prosecutors recommended by the Judicial Conference. The Finl Dept. has noted on this.

(2) Establishment ^{consisting} of a clerk + a peon or two as well as ^{office} accommodation required by the Public Prosecutors of Mysore, Bangalore, + Shimoga Dist. The request is supported by the Dist Magrs of Mysore, Hassan, Bangalore, + Shimoga. The Finl Dept has ~~not~~ to be consulted on this.

Subd

(15/16) 38 The question of increase of pay has already been noted, and the only fresh question raised is that relating to the establishment. Till now no establishment was ever sanctioned for the Public Prosecutors, and ~~there~~ no such establishment has been sanctioned for the Public Prosecutors in Madras. The nature and quantity of correspondence being very little, no establishment is deemed necessary, and the fee paid must be considered sufficient to ~~pay~~ meet all expenditure incurred by the Pub Pro.

Sd.
16/1

NOTE—Contn. sheet.

Jd No. No.
" 46977/16.

B/TI)

67/b

14

G. R. S. III-2]

General and Revenue
Secretariat.

Est. File No. 218 of 1914-15.

L. No. 1497.	Serial No.	
		39) The Administration Dept^s consider that the establishment is unnecessary. The Fl Dept cannot agree to the expenditure which is found quite unnecessary by the ADM Dept. RMZ (RMZ) 17.1.17. 40) The opinion of the Fl branch has already been recorded. Vide page 6 - 18 20/1/17. III). Subd 22/1.17) 41) Submitted for favour orders on the two points:- 1. Raising the pay of the Public Relations from Rs 150 to Rs 200/- and 2. Sanctioning an establishment of a clerk and one pen. 28 27.1 1625 29.1 Dist-Mem (by) 42) The request by the District Officer for the establishment of a clerk and one pen is approved. 30/1 31/1

(12) (15-

Subject.-Clause v of the Schedule.

43) Question of enhancing the status
and emoluments of public prosecutors
and also providing them with a clerical
and menial establishment.

OPINION OF THE COUNCIL.

44) This may be brought up again in Jan 1918.

Sus B

15/2

6/11/18

cees

15/2

(For disposal at a meeting)

(ii)
No. C. 105-817
5-2-1917

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause v of the Schedule)

Question of enhancing the status and emoluments of Public Prosecutors and also providing them with a clerical and menial establishment.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

D. M. Narayana

Secretary to Government.

2nd February 1917.

Extraordinary Member of Council.

 **First Member of Council.**

Opinion recorded.

117
5-2-17 **Second Member of Council.**

60
5-2-17

Done

General and Revenue
Secretariat.

File No. 218 of 1914-15

Serial
No.

7-

From the S. M. Mysore D.O. No. 21-7-1914
Forward for favourable consideration copy
of a representation by the Public Prosecutor, Mysore
regarding the increase of his pay & regarding an
establishment required by him

As the question has been ordered to be brought up in
Jan'y. 18. May this be kept in S. M. B. till then?

21/10/14
H.C.

66/My
27/2

Orders have been issued in G.O. No

1877-90 of 1-12-1917.
64-171

MRKla
30.3.1918

Mrs. T. C. S. - 508/13/11
 Director General question
 pending in connection with a
 Res. Subcom. of Govt. Conference
 I was very interested in it.

DIARY No. 2239

1914-1915
65
218 of 1914-15
1

C.S.
 15/1/15

Bangalore

13th January 1915

To

The Secretary to the Government
 of Mysore
 General and Revenue Department
 Bangalore.

Sir,

From my experience as Public
 Prosecutor, Bangalore Division, since
 August 1911, I have realized that
 the pay of Rs 150/- attached to the
 Office is not by any means attrac-
 tive to a Practitioner who has
 any decent practice. The nature
 of the work is such that it must
 inevitably fall on the private
 work of the Practitioner. If the
 duration of the appointment is

¹⁹
for any reason to last for a
number of years, the practitioner
will have to content himself with
his pay without any addition to
it from his private work - a situation
far worse than what he held when
he began as Public Prosecutor.

I therefore request you to be so
kind as to place the subject
before government for their favo-
rable consideration which was recently
shown in the case of the Government Advocate.

I beg to remain,

Sir

Your most obedient
servant

Wangamuna

Public Prosecutor

(20)
Office of the District Magistrate,

Chitaldrug District.

Dated Chitaldrug, 8th October 1915.

From

C. S. Balasundaram Iyer Esquire B.A.,

District Magistrate,

Chitaldrug

D. M. Narasinga Rao Esquire B.A., B.L.,

Secretary to the Government of

H. H. the Maharaja of Mysore,

General Department, Bangalore.

DIARY No. 1077

1915-1916
SECTION C5
FILE NO. 106-15
3

S I R,

In continuation of my letter No.172 dated the 3rd instant, I have the honor to forward herewith for consideration copy of D. O. letter of the 6th instant with ^{that of} its enclosure from the Public Prosecutor, Shimoga Division.

I have the honor to be,

S I R,

Your most obedient servant,

C. S. Balasundaram Iyer
District Magistrate,

S.V.

Chitaldrug District.

Sec

cl- 17-24
P. Sec 27/8/15
cl- 100-15- 1512
8/9/15

From

III
12/10 1915-16
1915-16
12/10

87-100,000-7-8-13

The District Magistrate,
Chitalding District.

To

The Secretary to Government
General Department
Bangalore.

Dated

Despatched 11th October 1915.

Received

General No. 186
No.

Enclosure No. 2.

Forwarding for consideration
copy of D.O. letter of 6th
instant with that of its enclosure
from the public prosecutor,
Shimoga Division -

Mr. D. M. Ramachandra Rao, Esq.

D. O. Letter dated 6th October 1915 from ~~the~~ Public Prosecutor, Shimoga Division, to the District Magistrate, Chitaldrug District.

I thank for your D. O. of the 2nd. I am glad to learn you have addressed Government for a definite ruling on the point. I request that you will also be pleased to represent my grievances and the loss that I will be put into if I am prohibited from taking up criminal appeals altogether from private parties. I trust you will see the reasonableness of my representation and be pleased to suggest to Government that in case they rule that I should not appear in criminal appeals for private parties, they will be so good as to arrange to pay me for each appeal or enhance the pay of Public Prosecutors to a decent sum which will satisfy them.

I certainly agree with you in thinking that appearance of Public Prosecutors on behalf of private parties in criminal appeals is not quite satisfactory but I believe the Government have left the matter as it is so that their practice may not suffer and have evidently thought that the number of appeals in which they will be instructed to appear on behalf of Government will be very small indeed.

If you have already addressed Government in the matter, may I request the favor of representing my difficulties and of suggesting a reasonable solution. I may assure you that I do not want to go against the decision of Government but I am anxious that my side may also be represented to Government so that they may decide the matter after a full consideration of the views of both sides.

I may also state that in my opinion to the Sessions Judge regarding the raising of pay and status of Public Prosecutors, I have raised this difficulty and have humbly submitted that Public Prosecutors should just like the Government Advocate, be enjoined to appear in all criminal appeals irrespective of instructions from the District Magistrates as a rule and that their pay should be raised to $\text{Rs } 250 + 50 = \text{Rs } 300$ per month. I quote for your kind information the para:-

"3. District Magistrates are anxious that Government should be represented in a bail proceedings and in all criminal appeals. This is not possible now as notices from the Sessions Court go to District Magistrates direct. It has been the practice for Public Prosecutors to take up in their private legal capacity criminal appeals, in which cases District Magistrates have to arrange otherwise."

"6. These considerations have therefore induced me to submit that it is necessary to remunerate Public Prosecutors by a ^{fixed} ~~forced~~ salary as is the case with the Government Advocate. As regards the amount to be fixed I beg to submit that (1) (2) that they may, as in the case of the Government Advocate, be asked to support all convictions from the Magistracy and to appear in all bail proceedings (the numbers of criminal appeals for 1911-12, 1912-13 and 1913-14 are 55, 64, 39 respectively = 4 appeals per month and 4 or 3 bail applications) and (3) they may be paid Rs 300 per month."

I enclose a copy of the communication for your kind perusal and if necessary for transmission to Government.

I trust that these considerations will enlist your able sympathy. Begging to be excused for the trouble.

%%%%%%%%%

" C O P Y."

Chitaldrug District
District Magistrate,

S.V.

Chitaldrug District.

KS

Office of the Public Prosecutor, Shimoga Division.

Dated, Camp Chitaldrug, the 16th April 1915.

From

D. M. Ramachendra Rao Esquire B.A.,B.L.,
Public Prosecutor, Shimoga Division.

To

B. S. Krishnaswamiengar Esquire B.A.,B.L.,
District and Sessions Judge, Shimoga Division.

Sir,

In reply to your letter No.2290-91/464 dated 12th April 1915, calling for my opinion regarding Resolution No.25 of the Judicial Conference, I have the honor to state as follows:-

1. The duties at present assigned to Public Prosecutors in consideration of the remuneration paid to them by Government are:-

- (1) To conduct all prosecutions before Sessions Courts.
- (2) To support convictions by the Magistracy under instructions only in cases considered by the District Magistrates to be of special interest and importance.
- (3) To give legal advice on all proposals to appeal under the Code of Criminal Procedure and on all criminal cases generally. (Vide Govt: proceedings No.1932-85/J.137 of 1902-03, dated 16-3-1904, para 5, clauses A and e and para 7, clause (1)).

2. The number of sessions cases in this Division for the years 1911-12 1912-13 and 1913-14 are 37, 47 and 49 respectively. Taking that each case occupies 2 actual working days on the average, the number of working days per month comes to about 6; but the sessions actually occupies more time and including days of travel, halt, judgment &c., the sessions will last for a fortnight in a month.

3. District Magistrates are anxious that Government should be represented in bail proceedings and in all criminal appeals. This is not possible now as notices from Sessions Court go to District Magistrates direct. It has been the practice for Public Prosecutors to take up in their private legal capacity criminal appeals, in which cases District Magistrates have to arrange otherwise. Though Public Prosecutors are required to take up Civil cases by or against Government or its officers, they are not appointed or designated as Government Pleaders which is contemplated

by the Civil Procedure Code. All these defects cannot be rectified under the present system.

4. In fixing the remuneration, regard will generally be had to the following points:-

- (a) The remuneration must at least be self-supporting;
- (b) It must be consistent with the honor and dignity of the office;
- (c) It must be of such a nature as to be conducive to the independence and fearless discharge of the responsibilities attached to the office;
- (d) It must be proportionate to the time and work spent.

5. The system of remunerating the Public Prosecutor per case per day is only applicable to divisions where there is heavy work and where the work consequently admits of the earning of a decent sum. It also possesses some defects and generally gives room for misunderstandings between District Magistrates and Public Prosecutors in the matter of fees. This system is adopted generally in the mofussil in the Madras Presidency, but a different and combined system is adopted in the Bombay Presidency where Public Prosecutors are guaranteed a minimum amount by way of fixed salary per month and are given in addition some remuneration for each case per day. This system also is not applicable to places where the work is insufficient to allow a decent sum to be earned.

6. These considerations have therefore induced me to submit that it is necessary to remunerate Public Prosecutors by a fixed salary, as is the case with Government Advocate. As regards the amount to be fixed, I beg to submit that (1) considering that Public Prosecutors have to work for nearly half-a-month away from Head Quarters where they will have ample civil work and the consequent loss that they will be put into and (2) that they may, as in the case of the Government Advocate, be asked to support all convictions from the Magistracy and to appear in all bail proceedings (the Nos of criminal appeals for 1911-12, 1912-13 and 1913-14 are 55, 64 and 39 respectively = 4 appeals per month and 4 or 3 bail applications) and (3) in consideration of the remuneration being such as to attract practitioners of ability, knowledge, independence and of devotion to duty and honesty and good character, they may be paid Rs 300 per month and they should possess the rank and status of Assistant Commissioners.

7. If the Government are graciously pleased to adopt this system and suggestion, Public Prosecutors may be authorised to receive direct all notices from Sessions Court, may be appointed as Government Pleaders as

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well and given an establishment of a clerk and one or two peons to facilitate their work. As it is not possible to secure competent clerks to assist Public Prosecutors, the correspondence by them is not generally regulated by any rule. Further, in criminal appeals and other cases, no provision has been made for the supply of copies of records to Public Prosecutors, and if they are provided with a clerk, they will be able to get copies prepared and this will necessarily lead them to work on a system. This provision will, further, lend dignity and a higher sense of responsibility to the office.

For the reasons set above, I request you to be so good as to consider the question from a generous and considerate point of view and to recommend to Government the proposal I have submitted.

I have the honor to be,

S i r,

Your most obedient servant,

(Sd) D. M. Ramachendra Rao,

- Public Prosecutor, Camp Chitaldrug.

" C O P Y."

(Sd) D. M. Ramachendra Rao,

Public Prosecutor, Shimoga.

" C O P Y."

Chitaldrug

District Magistrate,

Chitaldrug District.

S.V.

AcS

From

191 5-16. *vis*
*2/12*B. Ramaswamaiya Esquire, B.A., B.L.,
District Magistrate,
Hassan.

To

D.M. Naresingha Rao Esquire, B.A., B.L.,
Secretary to the Government of,
H.H. the Maharaja of Mysore,
General Department,
Bangalore.Dated *30th November 1915*

Despatched

Received

General No. *186*
No. *8.*Enclosure No. *one*S U B J E C T.

*Forwarding a copy of
letter no: 130 dated 18th inst
received from the Public
Prosecutor, Mysore Division*

26
1915-16.

Deputy Commissioner's Office, Hassan District.

Dated Hassan 30th November 1915.

From,

B. Remaswamaiya Esquire, B.A., B.L.,

District Magistrate,

Hassan.

To,

D.M. Narasinga Rao Esquire, B.A., B.L.,

Secretary to the Government of

H.H. the Maharaja of Mysore,

General Department,

Bangalore.

Sir,

In forwarding herewith a copy of letter no. 130 dated 15th inst. received from the public prosecutor, Mysore Division, I have the honor to state that I fully endorse the representation of the public prosecutor as set forth therein. The requirements he has noted are in my opinion the minimum and deserve to be sanctioned.

I have the honor to be,

Sir,

Your most obedient servant,

B. Remaswamaiya

District Magistrate
Hassan.

lm

RY No. 1492

1915-16

CTION

No. 14

7

Letter no. 130 Dated 15-11-1915 from
the public prosecutor, Mysore Division, Mysore,
to the District Magistrate, Hassan District, Hassan.

I have the honor to state that I was
appointed the public prosecutor of the Mysore
Division on the 6th January 1915, as per
Government proceedings no. J. 2094-8/cto.
168-14-6.

2. Having had ten months experience of
this busy and responsible office, I may be
permitted to bring to your kind notice the
hardship and inconvenience felt in respect
of the three following particulars.

3. Firstly, the pay of Rs 150/- a month to the
public prosecutor is very inadequate and out
of all proportion to the quality and the quantity
of work that is turned out by him. I learn
that the question of raising the pay of public
prosecutors is pending before the Government
and I hope that it will be decided soon
in a satisfactory manner.

4. Secondly, this office is not supplied
with a clerk. All the desk-work is done by
the public prosecutor himself, which evidently
involves unnecessary waste of his precious time
and energy.

5. ⁴⁸ "To" and "From" registers, cash and ledger account books, bill-book, registers of cases conducted on behalf of the Government, viz, Sessions cases, Criminal appeals, Criminal Original cases, Civil Original and miscellaneous cases, have to be maintained, drafts and fair copies of correspondence, opinions of cases, reports of cases, and statistics etc. have to be prepared.

6. Copies of records in Sessions cases and criminal appeals are being supplied hitherto, on requisition, by the Superintendents of police, as a mere matter of courtesy, (there is no standing order that they must do so), and the said copies do not generally reach in time, so that adjournments of cases become, very often, necessary. When adjournments are not possible, the original records themselves will have to be gone through ~~in~~ haste in Courts with the Judge's permission, during the busy hours of the day.

7. Kindly, this office has no peon attached to it. Urgent letters have to be sent "muddan" to Officers in the Station, before the next post time, letters of correspondence have to be posted in the usual course almost every day; and several other manual functions which it

is not necessary to narrate, have to be performed every day by the public prosecutor himself.

8. It is, therefore, absolutely necessary that this office should be equipped with a clerk on Rs 20/- or Rs 15/- and with a peon on Rs 10/- or 8/-.

9. I, therefore, respectfully pray that you may kindly forward this representation with your own support for the favourable consideration of the Government.

Copy "
Pranannand
 District Magistrate
Hassan.

No. 653
En one

Office of the Deputy Commissioner, Mysore Dist.

Dated, Mysore, 9th May 1916.

From

A. Subramanya Iyer, Esquire., B.A.,

Deputy Commissioner, & District Magistrate,
Mysore District.

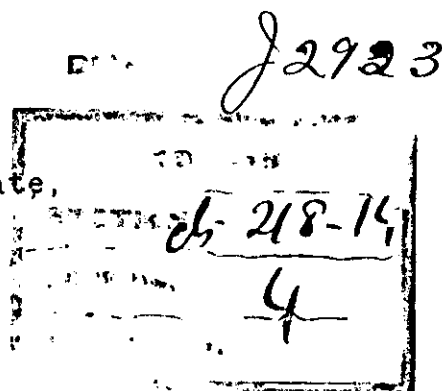


D.M. Narasinga Rao, Esquire., B.A. B.L.,

Secretary to the Government of His

Highness the Maharaja of Mysore,

General Department, BANGALORE.



Sir,

In forwarding herewith a copy of letter No. 128 dated the 14th November 1915 from the Public Prosecutor, Mysore Division requesting that he may be given a small clerical and menial establishment, I have the honor to state that the representations made by the Public Prosecutor are deserving of favourable consideration by Government.

The reasons explaining the necessity for the clerical and menial establishment have been set forth in detail by the Public Prosecutor in paras 4 to 7 of his letter. I have frequently been receiving communication from him and the quantity of writing work to be done is large. The several Sessions Cases and Criminal appeals as also the Civil cases which are entrusted to the Public Prosecutor involve some amount of correspondence between him, this office and the Superintendent of Police etc, and this necessitates the maintenance of "From" & "To" Registers etc, for which the services of a clerk are very necessary. There is sufficient work for a full time clerk, and a peon is also necessary. I have also to add that the late Public Prosecutor was often complaining of want of establishment and recommend that the Establishment asked for may be sanctioned.

I have the honor to be,
Sir,
Your most obedient servant.

Deputy Commissioner and
District Magistrate,
Mysore District.

From

19
 The Deputy Commissioner and
 Dist Magistrate, Mysore Dist

To

The Secretary to the Govt of His
 Highness the Maharaja of
 Mysore, General Department
 Bangalore.

Dated

Despatched

9.5.1915

Received

General No. 653
 No.

Enclosure No. One

Submitting copy of letter
 No. 128 dated 14th Nov. 1915 from
 The Public Prosecutor, Mysore Dist,
 requesting that he may be given
 a small clerical and menial
 establishment and recommending
 that the establishment asked
 for may be sanctioned.

Copy of letter No. 128 dated the 14th November 1915, from the Public Prosecutor, Mysore Division, to the District Magistrate, - Mysore District.

"I have the honor to state that I was appointed the Public Prosecutor of the Mysore Division on the 6th January 1915, as per --- Government Proceedings No. J.2094-8 C.T.S 168-14-6.

2. Having had ten months' experience of this busy and responsible office, I may be permitted to bring to your kind notice the hardship and inconvenience felt in respect of the three following particulars.

3. Firstly, the pay of Rs.150/- a month to the Public Prosecutor is very inadequate and out of all proportion to the quality and quantity of work that is turned out by him. I learn that the question of raising the pay of the Public Prosecutors is pending before the Government and I hope that it will be decided soon in a satisfactory manner.

4. Secondly, this office is not supplied with a clerk. All the desk work is done by the Public Prosecutor himself, which evidently involves unnecessary waste of his precious time and energy.

5. "To" and "From" Registers, cash and ledger account books Bill-book, registers of cases conducted on behalf of the Government viz, Sessions cases, Criminal Appeals and Criminal original cases, Civil Original and miscellaneous cases have to be maintained, draft and fair copies of correspondence, opinions of cases, reports of - cases and statistics etc, have to be prepared.

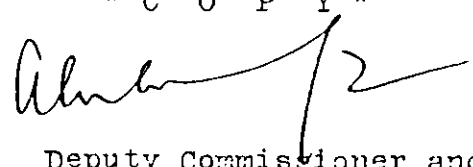
6. Copies of records in Sessions cases and Criminal appeals are being supplied hitherto on requisition, by the Superintendents of Police, as a mere matter of courtesy, (there is no standing order that they must do so), and the said copies do not generally reach - in time; so that adjournments of cases become, very often, necessary. When adjournments are not possible, the original records themselves will have to be gone through in haste in courts, with the Judges' -- permission during the busy hours of the day.

7. Thirdly, this office has no peon attached to it. Urgent letters have to be sent "Muddam" to officers in the Station, before the next post time; letters of correspondence have to be posted in the usual course almost every day; and several other menial functions which it is not necessary to narrate, have to be performed - every day by the Public Prosecutor himself.

8. It is therefore, absolutely necessary that this office should be equipped with a clerk on Rs.20/- or Rs.15/- and with a peon on Rs.10/- or Rs.8/-.

9. The undersigned, therefore, respectfully prays that you may kindly forward this representation with your own support for the favourable consideration of the Government."

" C O P Y "



Deputy Commissioner and

 District Magistrate,
Mysore District.

No: 288
87/6/16.

33

From

The Public Prosecutor,
Mysore Division,
Mysore.

To

The Secretary to Government,
General Department,
Bangalore.

TH
Saw
11/6
Saw
DIARY 93129.

10 - 10
SECTION <u>Courts</u>
FILE No. <u>218-14</u>
SERIAL No. <u>5</u>

Sir,

1. I have the honor to state that I was appointed the Public Prosecutor of the Mysore Division on the 6th January 1915, as per Government Proceedings No.J.2094-8 cts. 168-14-6.

2. Having had about seventeen months' experience of this busy and responsible office, I may be permitted to bring to your kind notice the hardship and inconvenience felt in respect of the three following particulars.

3. Firstly. The pay of Rs150/= a month to the Public Prosecutor is very inadequate and out of all proportion to the quality and quantity of work that is turned out by him. I learn that the question of raising the pay of the Public Prosecutors is pending before the Government and I hope that it will be decided soon in a satisfactory manner.

4. Secondly, this Office is not supplied with a clerk. All the desk-work is done by the Public Prosecutor himself, which evidently involves unnecessary waste of his precious time and energy.

'To' and 'From' Registers, cash and ledger -
account books, Bill book, Registers of cases conducted on
behalf

behalf of Government, viz., Sessions cases, Criminal appeals and criminal original cases, civil original and miscellaneous cases, have to be maintained; drafts and fair copies of correspondence, opinions of cases, reports of cases, and statistics etc., have to be prepared.

Copies of records in Sessions cases and criminal appeals are being supplied hitherto, on requisition, by the Superintendents of Police, as a mere matter of courtesy, - (there is no standing order that they must do so) and the said copies do not generally reach in time, so that adjournments of cases become very often, necessary. When adjournments are not possible, the original records themselves will have to be gone through in haste in Courts with the Judge's permission, during the busy hours of the day.

5.- Thirdly, this Office has no peon attached to it. Urgent letters have to be sent "Muddam" to Officers in the station, before the next post time; letters of correspondence have to be posted in the usual course almost every day; and several other menial functions which it is not necessary to narrate, have to be performed by the Public Prosecutor himself.

It is, therefore, absolutely necessary that this Office should be equipped with a clerk on Rs 20/- or Rs 15/- and a peon on Rs 10/- or Rs 8/-.

I had addressed memorials to the District Magistrates of Mysore and Hassan in this behalf (my office letters No.128 and 130 dated 14-11-1915 and 15-11-1915 respectively) with a prayer that they may forward the same with their own recommendation for the favourable consideration of the Government.

I learn that the District Magistrate of Mysore has

(35)

has forwarded my letter to the Government with his D.O. No. 653 dated 9-5-1916, and that he has recommended the sanction of the small clerical and menial establishment asked for by me.

I also learn that the District Magistrate of Hassan has done the same in his Office D.O. No.186 dated 30-11-1915.

I respectfully pray that this memorial may kindly be placed before the Government together with the recommendations of the Mysore and Hassan District Magistrates -- mentioned above.

I have the honor to be,

S i r,

Your most obedient servant,

B. I. Krishnamachar
Public Prosecutor,

Mysore Division.

M y s o r e.

Dated. 8/June/-1916.

Office of the Deputy Commissioner
Bangalore District.

Dated Bangalore, 16th September '16.

No.....

From

K.R.Srinivasiengar, Esq., M.A.,
District Magistrate,
Bangalore District.

To

D.M.Narasinga Rao, Esq., B.A., B.L.,
Secretary to the Government of H.H.

the Maharaja of Mysore, General Department.

Sir,

I have the honor to submit herewith for the orders of Government letter No. 27 dated /-8-16 from Public Prosecutor, Bangalore Division, requesting that he may be given the services of a clerk and 2 peons as he is much handicapped in the discharge of his duties for want of adequate clerical establishment. The Public Prosecutor, has, no doubt, to conduct a fair amount of correspondence with the District Superintendent of Police, the Deputy Commissioner, the Government Advocate and other officers both in Criminal and Civil matters; and in the absence of a clerk to maintain a record of the correspondence, it should be difficult for him to pick up references early. The difficulty is particularly felt when there is a change of officers, as has been the case recently in Bangalore, the present Public Prosecutor not being able to readily lay hands on many of the matters referred to his predecessors with the result that there has been a certain amount of delay and difficulty in the conduct of proceedings by him before the courts concerned. In the circumstances I think that the request preferred by the Public Prosecutor is reasonable and I therefore beg to recommend it for the favourable consideration of Government.

2. As regards the office accommodation required by the Public Prosecutor, I think and it is certainly very desirable that

18
DIARY No. 676
10 - 10
OFFICE
LE No. 218-14
SERIAL No. 6

(37)

that he should have a fixed place of business where the Police Officers and others who wish to see him on business may do so, the more so, if he is to be given an establishment as desired by him. I regret, however, that it is not possible for me to find any accommodation for him in the District Office Building as it is already quite overcrowded. He will therefore have to make his own arrangement for his office as at present or be permitted to engage a rented -- building until accommodation can be found for him in any one of the Government Buildings.

I have the honor to be,

Sir,

Your most obedient servant.

W. S. S. S. S.

District Magistrate,
Bangalore District.

W. S. S. S. S.

Letter No. 27 dated 27th August 1916 from the Public Prosecutor, Bangalore Division, to the Deputy Commissioner and District Magistrate, Bangalore District.

It is with the greatest reluctance and under circumstances of absolute necessity that I have the honor to bring to your kind notice the abnormal delay caused in this office in taking the necessary legal steps in the following cases and the appended table of a few instances will give you an idea of the delay caused.

The number of cases on behalf of Government which the Public Prosecutor is asked to conduct is not small and the urgency of these cases requires a good deal of correspondence. I am further anxious that the officers concerned should have information at every step in the cases in which they are concerned.

In original appeals, no provision has been made for the supply of copies of records and it is very necessary that copies in civil cases have to be taken for which also there is no provision.

The correspondence is generally conducted in reference to the numbers and dates of letters addressed and not to their subject-matter and this necessitates the maintenance of "To" and "from" Registers in a regular manner.

In cases of one officer succeeding as Public Prosecutor, there will be no record to show the number of cases on his file, the stages at which they stand and the assets and liabilities of the office.

~~not~~ The practice obtaining now with Public Prosecutors is ~~not~~ at all satisfactory and is, in my humble opinion, not desirable in the interests of efficiency and despatch of

work

work. There is a difference between private practice Advocates and that of Public Prosecutors. In the form case, clients ^{personally} approach the Advocate, get fresh information at every stage and matters are regular. But in the latter case, the officers concerned will have neither the inclination nor time to approach Public Prosecutor and the whole thing has to be settled to a very large extent by correspondence.

All this can be remedied by providing a clerk on a decent pay or deputing a Government official and one or two peons to work under Public Prosecutor. This will fix the responsibility on the officer and will lend dignity to the office and a feeling of security and responsibility in the officer concerned. It is also desirable that the Public Prosecutor should have a room for his office near the office of the District Magistrate or the Sessions Judge. I made a reference to the Chief Judge and the District Magistrate of Shimoga for providing a room while I was Public Prosecutor there, and a room was provided by screening up a portion of the verandah of the District Office Buildings. This will induce Government Officers to go to the Public Prosecutor in person and avoid their delicacy to approach him at home or in his private office.

Under these circumstances, I believe you will agree with me and recommend to Government for immediately providing me with a clerk, one or two peons and an office room

" C o p y "

L. Ramakrishna

Jr District Magistrate,
Bangalore District.

JS

T A B L E .

I	II
Requisition date for steps being taken	Date on which steps are taken.
(1) D.C., Bangalore. No. 172 8-9-14	(1) 1 August 16.
(2) Do. -- 378 20 & 14	(2) --do. --
(3) Do. --- 264 8-10-14	(3) --do. --
(4) do. -- 245 8-10-14	(4) --do. --
(5) D.C., Kolar No. 5035 d. 12-1-15	(5) -- Do. --
(6) District Board President, 21-3-16	(6) -- do. --
(7) Kolar District Magistrate, 584 D. 29 Oct. 16	(7) -- do. --
(8) D.C. Bangalore No. 7350 D. 29-6-16. & other cases.	(8) -- do. --

ccc000;:::-ccc-:::000ccc

hoc No. 1204.222 Office of the District Magistrate, Mysore District.

Dated, Mysore, 21st February 1917.

DIARY No. 91895

From

K. Matthan, Esquire., B.A.,

District Magistrate,

Mysore District.

19 -19
SECTION ch
FILE No. 118 11
SERIAL No.

To

D.M. Narasinga Rao, Esquire., B.A., B.L.,

Secretary to the Government of His Highness

the Maharaja of Mysore, General Department,

B A N G A L O R E

Sir,

I have the honor to submit herewith for the favourable consideration of Government a copy of a letter from Mr. B.R. Krishnamachar, Public Prosecutor, Mysore, requesting (1) that the pay of the Public Prosecutor may be raised and (2) that he may be given a clerical and menial establishment.

2. The work of the Public Prosecutor of this Division is particularly heavy and in my opinion the recommendation of the Judicial conference to raise the pay of this Officer to Rs 250 is not an extravagant one as far as this Division is concerned. Mr. Krishnamachar has been carrying out his duties in a very satisfactory manner and deserves the increased remuneration proposed.

3. As regards the establishment asked for, kind attention is invited to my predecessor's letter No 653 dated 9th May 1916, and I agree that a clerk on Rs 15 to 20 should at least be allowed to the Public Prosecutor.

I have the honor to be,

Sir,

Your most obedient Servant,

K. Matthan
District Magistrate,
Mysore Distt:

24 FEB 1917

GPB-12,000-2-15

191

From THE DISTRICT MAGISTRATE
MYSORE DISTRICT

To THE SECRETARY TO GOVERNMENT
GENERAL DEPARTMENT

Dated 21st February 1917.

Despatched 22 Feb 1917

Received

General No. *Rol 1204/916.17*
No.

Enclosure No. (1)

Proposals for raising the pay of
the Public Prosecutor, Mysore Division
and a clerical and Menial Establishment
to him.

WS 3-105
GEN. & REV. SECRET. RIAT
III
JUDICIAL
24 FEB 1917

Letter No. 225 dated 3rd January 1917 from the Public Prosecutor
Mysore Division, to the District Magistrate, Mysore District.

" Kindly permit me to bring to your kind and sympathetic consideration the hardship and inconvenience felt by me in the following particulars:-

(a) The pay of Rs 150 a month to the Public Prosecutors is quite inadequate and out of all proportion to the quality and quantity of work turned out by them. I learn that the Judicial Conference recommended that it should be raised to Rs 250. The opinion of all Sessions Judges was recently called for by the Honourable Chief Court and I learn, on good authority, that they recommended that it should be raised to at least Rs 200. I dare say you agree with me in thinking that the present pay of Public Prosecutors is low. I, therefore, request you to kindly recommend to the Government that the pay of Public Prosecutors may be raised.

(b) Next, no Establishment has been given to the Public Prosecutors. There is neither a peon nor a clerk to do the menial portion of every day office work and the whole writing business must be done by the Officer himself. Much useful time and energy are wasted away which can otherwise be turned into good account.

I represented these difficulties to your predecessor Mr. A. Subramanya Iyer who strongly recommended to the Government that the small Establishment asked for may be sanctioned. (Vide your Office No. 653 dated the 9th May 1916 to the General Secretary). The Hassan District Magistrate who was also addressed on the point recommended likewise observing that I was only asking for bare necessities. I, therefore, request you to kindly recommend to the Govt: that a clerk on a pay of Rs 15 or 20 rupees a month and peon on Rs 8 or 10 rupees a month may graciously be sanctioned.

Begging to be excused for the trouble and for encroaching upon your valuable time. "

"Copy"

H. I. Sahasrabudri
FOR DISTRICT MAGISTRATE

H. I.
MYSORE DISTT